

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAVON TYRONE JOHNSON,

Petitioner,

Civil Action No. 13-13209

v.

HONORABLE MARK A. GOLDSMITH

J. A. TERRIS,

Respondent.

**ORDER DENYING PETITIONER'S APPLICATION TO
PROCEED IN FORMA PAUPERIS, BUT GRANTING HIS REQUEST
FOR AN EXTENSION OF TIME TO SUBMIT THE FILING FEE**

On July 26, 2013, petitioner Javon Tyrone Johnson filed a pro se petition for the writ of habeas corpus under 28 U.S.C. § 2241. Petitioner is a federal inmate, and on July 31, 2013, the Court ordered him to submit either the \$5.00 filing fee for this action or an application to proceed in forma pauperis within twenty-one days. On August 13, 2013, Petitioner requested an extension of time to pay the filing fee. He claimed that the Bureau of Prisons might not release the necessary funds from his prison account in a timely manner.

Before the Court could act on Petitioner's request for an extension of time, he filed an application to proceed in forma pauperis. In a letter submitted with the application, Petitioner explained that, while he initially intended to pay the filing fee for this action, the Bureau of Prisons still has not released funds from his account to pay the filing fee. Consequently, he cancelled his authorization to have the Bureau of Prisons withdraw money from his prison account to pay the filing fee. He now wants permission from the Court either to proceed in forma pauperis or to be granted additional time to submit a new request to prison officials for payment of the filing fee.

The application to proceed in forma pauperis indicates that Petitioner has \$300.00 in his prison account, and he concedes that he is able to pay the nominal filing fee for his habeas petition. Accordingly, the application to proceed in forma pauperis (Dkt. 6) is denied. Petitioner nevertheless may have an additional thirty (30) days from the date of this order to submit the filing fee.

SO ORDERED.

Dated: August 28, 2013
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 28, 2013.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager